

JOHANSSON
Serial No. 09/998,921

Atty Dkt: 2380-566
Art Unit: 2681

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the Abstract.
2. Editorially amend two paragraphs of the specification.
3. Amend claims 1, 3, 16, 20, 26, and 30 in a manner invited by page 3 of the office action.
4. Respectfully traverse all prior art rejections.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend.

B. PATENTABILITY OF THE CLAIMS

Claims 1, 3-6, 10-11, 13-16, 20-21, 23-26 and 30 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,711,406 to Raith. All prior art rejections are respectfully traversed.

Raith determines a current path of a mobile terminal based on the geographic position of the mobile terminal at a number of time instants. The current path is then compared to one or more predetermined routes stored in a memory associated with the network to determine whether there is a match between the path and the route. Information associated with the identified route may then be used to aid in one or more handoffs of the mobile terminal while traveling along the route. (See the first full paragraph in column 3 of Raith).

Raith makes decisions as to when handoffs should occur. In this regard, see col. 6, lines 20 – 22 (“to learn frequently traveled routes and use learned routes to make hand-off decisions”); col. 6, line 36; col. 6, lines 44 – 46 (“The mobile communication

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network 10 can anticipate hand-offs as the mobile terminal 20 travels along a stored routed by comparing..."); col. 6, lines 50 – 51 ("The quality metrics can be used by the network 10 to help decide **when** to make hand-offs"), emphasis added; col. 6, lines 51 – 54 ("...can use the quality metrics to select the "best" position for executing the hand-off"). See also col. 8, line 14 ("In order to determine the appropriate handoff positions.... Especially please see col. 7, lines 16+ where Raith explains how ultimately he uses the geographical behavioral data: "the mobile communication network 10 instructs the mobile terminal 20 to change to a new control channel in a conventional fashion...". The Raith geographic behavior is employed for no purposes other than determining when to make handoff, or perhaps to which base station to make handoff (col. 9, line 13).

The Raith system is really a GSM or TDMA system, and as such does not disclose a synchronization search window such as that featured in each of applicant's independent claims. Determining how to establish a start position of a synchronization search window after handover has been performed is a distinct and separate activity from determining when to perform handoff (or to which base station to handoff).

Although Raith broadly intimates that his invention can be used in CDMA (see the top of column 6), no specific CDMA system is disclosed and there is no mention of a synchronization search window or how to determine a start position therefore. In a brief paragraph in which Raith discusses soft hand-off (a phenomena entailed in CDMA), Raith only mentions that "The present invention can be used to develop the metrics for locations where transmission from the adjacent cell should begin and locations where the transmissions from the first cell should end" (See, e.g., col. 11, lines 30 – 46).

Thus, Raith is not related to the subject invention. Raith concerns determining when to make handoff based on geographic behavior of earlier users. Applicant's

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independent claims concern establishing a start position of a synchronization search window after the handover decision has already been made.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

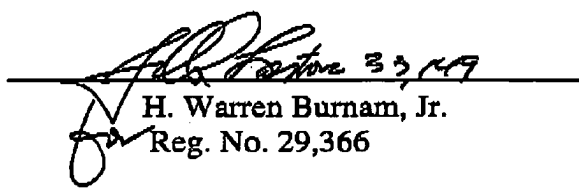
The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application, including but not limited to extension of time fees and additional claims fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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